

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla

Subfile No.: CHTA-001-0004

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's February 11, 2010, Motion for Sanctions and Default Judgment (Docket No. 9581). The Court, having considered the record in this cause and being fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The claims of defendant Joe R. Maestas in Subfile CHTA-001-0004 are subject to the Pretrial Order for Disputed Subfiles file June 5, 2009 (Doc. 9458). Defendant Joe R. Maestas has failed to provide the State with any of the discovery disclosures required by the pretrial order.
3. If a party fails to obey a scheduling or pretrial order, the Court may make such orders as are just including the entry of a default order. Fed. R. Civ. P. 16(f)
4. The Pretrial Order filed June 5, 2009, states as follows:

**The failure to comply with these terms and any other pretrial provisions may result in the entry of a default order which incorporates the State's proposed consent order pursuant to applicable pretrial orders.**

5. No response to the State's February 11, 2010, Motion for Sanctions and Default Judgment has been filed.
6. The State's Motion for Sanctions and Default Judgment against defendant Joe R. Maestas in Subfile CHTA-001-0004 should be granted.
7. The water rights of defendant Joe R. Maestas in Subfile CHTA-001-0004 should be adjudicated by default order as follows:

**JOE R. MAESTAS**

**Subfile No.: CHTA-001-0004**

**A. NO RIGHT (Surface Water Only)**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** NONE

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** NONE

**Location:** X= 0 feet Y= 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Within the Tierra Amarilla Grant	6.4 acres
Total	6.4 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0004

**Amount of Water:** NONE

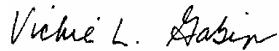
IT IS, THEREFORE, ORDERED that the above-named defendant is adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.



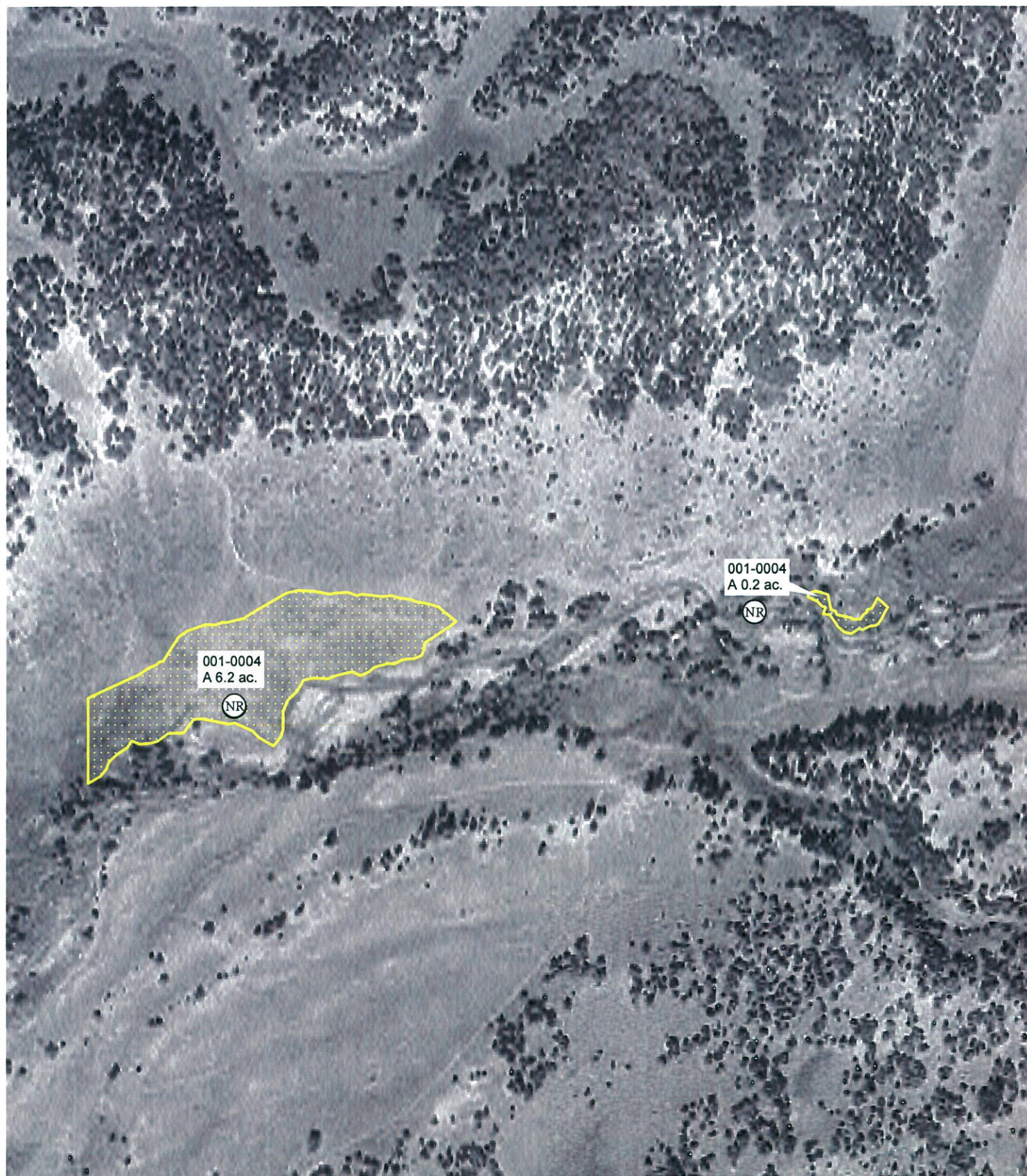
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER





LEGEND	
	Irrigated Tract Boundary
	No Right Tract Boundary
	Seeped Area
	Operable Ditch
	Inoperable Ditch
	Stock Ponds / Reservoir
	Point of Diversion
	Fallow
	No Right



1 inch = 400 feet

0 200 400 Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
Rito de Tierra Amarilla Section

Subfile Number  
**CHTA 001-0004**  
AMENDED  
May 27, 2008

